

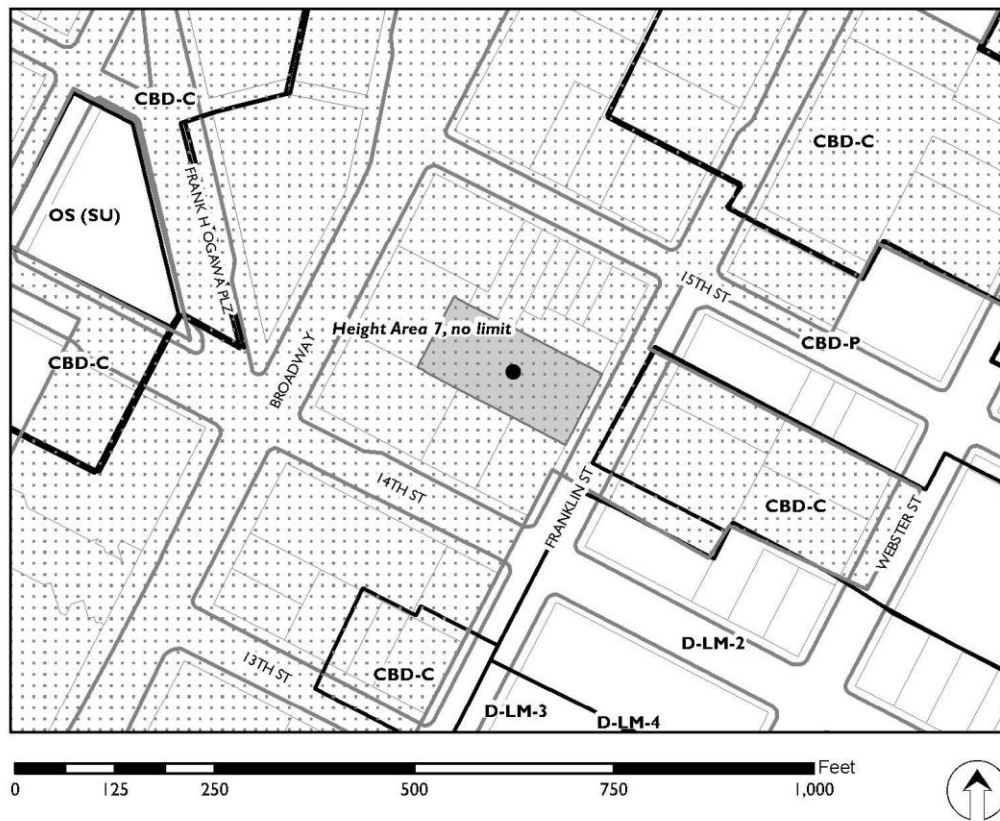
Location:	1431 Franklin Street
Assessor’s Parcel Number:	008 062100807
Proposal:	Conditional Use Permits and Regular Design Review to construct a 40-story (413-foot tall) 421,056 square feet residential tower with a parking garage above grade.
Applicant:	TC II 1431 Franklin, LLC
Phone Number:	Kyle Winkler, Tidewater Capital/(510) 290-9901
Owner:	TC II 1431 Franklin, LLC
Case File Number:	PLN20125
Planning Permits Required:	Conditional Use Permits for large scale development and tandem parking; and Regular Design Review.
General Plan:	Central Business District
Zoning:	CBD-P Central Business District Pedestrian Retail Commercial Zone Height Area 7, no limit
Environmental Determination:	A detailed CEQA Analysis was prepared which concluded that the proposed project qualifies for CEQA streamlining under Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan or Zoning), and Public Resources Code Section 21094.5 and CEQA Guidelines Section 15183.3 (Streamlining for Infill Projects). Also, the proposed project qualifies to tier off Program EIRs and EIRs prepared for redevelopment projects per CEQA Guidelines Section 15168 (Program EIRs) and Section 15180 (Redevelopment Projects), and the proposed project qualifies for an exemption as specified in CEQA Guidelines Section 15332 (Infill Development Projects). The CEQA Analysis prepared for the project can be found at the following website: https://www.oaklandca.gov/resources/current-environmental-review-ceqa-eir-documents-2011-2022
Historic Status:	Project site is located within an existing listed National Register historic resource, the Downtown Historic District Area of Primary Importance (API).
City Council District:	3 - Carroll Fife
Status:	Under Review
Staff Recommendation:	Approve with conditions of approval
Finality of Decision:	Appealable to City Council
For Further Information:	Contact case planner Michele T. Morris at 510-238-2235 , or by email at mmorris2@oaklandca.gov

SUMMARY

The proposed project is the for construction of a new 40-story residential tower at 1431 Franklin Street which is currently a parking lot in the Downtown Historic District, an Area of Primary Importance with regards to historic significance. The applicant proposes 254 dwelling units, which includes 42 efficiency dwelling units, and requests a 50 percent State Density Bonus to create a total of 381 dwelling units. Fifteen percent of the 254 base units (or 38 dwelling units) of the residences would be at the Very-Low-Income affordability level.

As detailed below, staff finds that the project meets all the required Findings. Therefore, staff recommends approval of the project subject to the Conditions of Approval (**Attachment C**).

CITY OF OAKLAND PLANNING COMMISSION



Case File: PLN20125
Applicant: TC II 1431 Franklin, LLC
Address: 1431 Franklin Street
Zone: CBD-P
Height Area: 7 , No limit

PROPERTY AND NEIGHBORHOOD DESCRIPTION

The project site currently contains a parking lot located at the center of the block between 14th and 15th Streets, and one block east of Broadway. The proposal would encompass this 20,974 square-foot parcel in downtown Oakland. Its eastern property line fronts Franklin Street, and the remaining property lines are surrounded by existing buildings at 1411 and 1441 Franklin Street, 420 and 436 14th Street, 421 15th Street, 425 15th Street, and 1440 Broadway at the rear property line. Also, on the corner of this block is the Oakland Title Insurance Co. building, at 401 15th Street, and the Alameda County Title Insurance building at 1404 Franklin Street.

BACKGROUND

History and Context

The project site is currently a surface parking lot located in the Downtown Oakland Historic District, an API for the City of Oakland. Tall buildings and lower height buildings can be found throughout the district and include varying sized office, retail, civic and institutional buildings. Other common features include generous openings facing the street for commercial ground floors, four-story glass base, and spacious office lobbies.

The applicant submitted this residential project application on August 17, 2020. Currently, the applicant has two proposals for the 1431 Franklin Street site: one entitlement application for a residential project; and a separate entitlement application for a commercial project. This report focuses on the residential project application.

Public Review to Date

Review by Design Review Committee of the Planning Commission

The proposed project was considered by the Design Review Committee (DRC) at their meeting of December 8, 2021. DRC questions and comments are paraphrased and summarized as follows:

- Show the typical floor plan and note the percentage of glazing at the ground floor lobby.
- The expression of the building design does not relate to the context of the buildings in the vicinity.
- There are no breaks in the façade or plane of the building; the building appears as an “extruded envelope.”
- Commissioners suggested a “different materiality or a different base” to meet the design standards of the context of the API.
- Commissioners were concerned that the design would not meet the required findings.
- The building’s massing at the ground is imposing.

The DRC instructed the applicant to use the feedback from the upcoming LPAB meetings on the commercial office design to make revisions to the residential design before bringing a revised residential proposal back to the DRC for further consideration and comments. The applicant has incorporated the following comments into the residential design. A selection of salient LPAB comments from the January 10th, May 2nd, and September 12th of 2022 meetings are summarized below:

- A distinctly different approach to the design should be considered, especially as to its massing and opacity.
- The design and materials of the base should be a focus of the revised design.
- The pattern of openings should have a better sense of regular rhythm across the building façade.
- The base in its materiality and scale matches the ground bases of the buildings on the block; the randomized openings in the punched openings are not consistent with what buildings have done in the past; the top-level apertures are more symmetrical and better than the ones below.
- The punched windows are a good texture and reflective of the neighborhood and the adjacent buildings, but some of the punches are overly deep.

At the September 12, 2022, LPAB meeting, the Board unanimously recommended that the project proceed with review by the Planning Commission. Also, in response to staff's questions, the LPAB affirmed that the design of the proposed building satisfactorily revised the residential building design as follows:

- a. The applicant has provided adequately detailed information on the design to demonstrate a well-composed design with consideration to bulk and massing.
- b. The proposed design is compatible with the existing API in terms of massing, siting, rhythm, composition, patterns of openings, quality of material, and intensity of detailing.
- c. The street-facing frontage includes forms that reflect the widths and rhythm of the existing façades fronting Franklin Street.
- d. The proposal would result in a building with exterior visual quality, craftsmanship, detailing, and high quality and durable materials that is at least equal to that of the API contributors.

Design Review Committee Review

At the September 28, 2022, DRC meeting, the committee unanimously recommended that the project proceed with review by the Planning Commission. Staff asked if the design lacked a specificity in the quality of materials and in the intensity of detailing. In response, the DRC affirmed that the design of the proposed building satisfactorily revised the building design in terms of compatibility of the proposed new construction with the existing API. A more in-depth discussion is described in the Design Review and Related Issues section of this report.

PROJECT DESCRIPTION

The proposed project plans, elevations, and illustrations are provided in **Attachment A** to this report. In general, the proposed plans include a modern architectural styled, 40-story residential development with a lobby entrance, abundant glazing at the ground floor and throughout the proposed building. The proposed tower design would have four floors of parking and two floors of amenity spaces: one just above the base of the tower and one on the rooftop.

GENERAL PLAN ANALYSIS

The proposed project site is in the Central Business District General Plan land use designation. The intent of the Central Business District land use designation is “to encourage, support, and enhance the downtown area as a high-density mixed use urban center of regional importance and a primary hub for business, communications, office, government, high technology, retail, entertainment, and transportation in Northern California.” The Land Use Element further describes the Desired Character and Uses of this designation to include a “mix of large-scale offices, commercial, urban (high-rise) residential, institutional, open space, cultural, educational, arts, entertainment, service, community facilities, and visitor uses.

The following is an analysis of how the proposed project meets applicable General Plan objectives and policies (staff analysis in indented, italicized text below each objective):

- Policy D2.1 – Enhancing the Downtown. Downtown development should be visually interesting, harmonize with its surroundings, respect and enhance important views in and of the downtown, respect the character, history, and pedestrian orientation of the downtown, and contribute to an attractive skyline.
 - *The residential building design contributes to the attractiveness of the historic district and is compatible with the surrounding neighborhood of a mix of high-rise and smaller-scaled commercial and residential buildings, and therefore, meets this objective.*

- Policy D6.1 - Developing Vacant Lots. Construction on vacant land or to replace surface parking lots should be encouraged throughout the downtown, where possible.
 - *The subject property currently contains a parking lot. The proposal would replace the existing surface parking lot with vertical, residential development that is consistent with this policy.*

- Objective D10: Maximize housing opportunities in the downtown to create a better sense of community.

- *The proposal is for a tower with 381 residential units, 15 percent would be affordable housing stock and serve very low-income residents and supports this objective.*
- Policy D10.4 – Providing Housing for a Range of Needs. Housing in the downtown should not be geared toward any one housing market, but rather should be promoted for a range of incomes, ownership options, household types, household sizes, and needs.
 - *The project supports this policy by proposing a mix of market-rate and affordable housing dwelling units which will allow for a range of incomes and home ownership opportunities for a variety of household types, needs and sizes.*

ZONING ANALYSIS

The project is located within the Historic Downtown district in the CBD-P Central Business District Pedestrian Retail Commercial Zone. The intent of the CBD-P Zone is to create, maintain, and enhance areas of the Central Business District for ground-level, pedestrian-oriented, active storefront uses. Upper story spaces are intended to be available for a wide range of office and residential activities.

The objectives of the CBD District Zones are the following (staff analysis is provided in the indented and italicized text below each objective):

1. Encourage, support, and enhance the Central Business District as a high density, mixed use urban center of regional importance and a primary hub for business, communications, office, government, urban residential activities, technology, retail, entertainment, and transportation.
The proposed project would create a new residential tower that would attract new urban residential activity. Additionally, the proposed development aligns with the City’s plan to create economic and community benefits which is currently a surface parking lot and an underutilized downtown property.
2. Encourage, support, and enhance a mix of large-scale offices, commercial, urban high-rise residential, institutional, open space, cultural, educational, arts, entertainment, services, community facilities, and visitor uses.
The proposed project would create a new residential facility which would add to residential and financial growth of the downtown area.
3. Enhance the skyline and encourage well-designed, visually interesting, and varied buildings.
The proposed project would provide a new and visually interesting 40-story high pyramid-like tower in the downtown, in the historic district which will provide a more varied, but complementary skyline.
4. Encourage and enhance a pedestrian-oriented streetscape.
The transparency of the ground floor windows, and lobby entrance will enhance the pedestrian-oriented streetscape of Franklin Street.

- Encourage vital retail nodes that provide services, restaurants, and shopping opportunities for employees, residents, and visitors.

The new tenants of the residential building will provide more commercial growth opportunities for nearby businesses in the surrounding neighborhood by adding more residents to contribute to shopping, frequenting restaurants and services in the downtown area.

- Preserve and enhance distinct neighborhoods in the Central Business District.

The proposed development would advance Downtown Oakland’s identity as a regional hub surrounded by landmark buildings. Additionally, the proposed institutional land use would achieve the City’s goal of having a diverse downtown, since it would complement the existing office, residential, and retail uses that surround it.

Zoning Analysis

Development Standard	CBD-P	Proposed Project	Compliance Analysis
Permanent Residential	Permitted	Proposed	Compliance
<u>Maximum Density (Sq. Ft. of Lot Area Required Per Unit)</u>			
Dwelling unit	90 sq. ft. per unit	212 units are proposed	Complies. 212 units do not exceed the allowed maximum density
Rooming Efficiency Unit	45	42	
<u>Minimum Lot Dimensions</u>			
Lot Width mean	25 ft.	approx. 99.6 ft.	Complies
Frontage	25 ft.	100.18 ft.	Complies
Lot Area	4,000 sf	20,974 sf	Complies
<u>Minimum/Maximum Setbacks</u>			
Minimum Front Setback	0 ft.	0 ft.	Complies
Maximum front and street side for the first story (see Additional Regulation #3)	5 ft.	0 ft.	Complies
Maximum front and street side for the second and third stories or 35 ft., whatever is lower (See Additional Regulation #3)	5 ft.	0 ft.	Complies
Minimum interior side	0 ft.	0 ft.	Complies
Rear	0 ft.	0 ft.	Complies
Maximum Height of Building Base	120 ft.	60 ft.	Complies
Maximum Height, Total	No height limit	413 ft.	Complies

Development Standard	CBD-P	Proposed Project	Compliance Analysis
Minimum Height, New principal buildings	45 ft.	413 ft.	Complies
<u>State Density Bonus at 50%</u>	The Density Bonus calculation states that 15% affordable units at the Very Low Income allows 50% Density Bonus Level	Base number of dwelling units (DU) is 212. Efficiency units proposed are 42. $212+42=254$ du. Density Bonus at 50%: $254 \times 50\% = 127$ more du or 381 units total.	Complies
<u>Maximum Lot Coverage</u>			
Building base (for each story)	100% of site area	100%	Complies
Average per story lot coverage above the building base	85% of site area of 10,000 sf., whichever is greater	70%	Complies
<u>Tower Regulations</u>			
Maximum average area of floor plates	No maximum	approx. 12,526 sf	Complies
Maximum tower elevation length	No maximum	353 ft.	Complies
Maximum diagonal length	No maximum	Not provided	Complies
Minimum distance between towers on the same lot	No minimum	Only one tower is proposed.	Complies
<u>Sec. 17.58.070 C. Usable open space standards, Table 17.58.05, Required Dimensions of Usable Open Space</u>			
Private open space	75 sf Regular Dwelling Unit (DU) and 38 square feet per Rooming Unit or Efficiency Dwelling Unit.	14,900 sf of Private Open Space; 8,100 Public Open Space: 23,000 sf total.	Does not comply. Required: Efficiency DU requires 1,596 sf and Reg. DU requires 25,425 sf. The applicant is requesting a waiver from this standard under the State Density Bonus regulations.
<u>17.116.060 - Off-street parking—Residential Activities, A. Minimum Parking for Residential Activities -Total Required Parking - Multifamily Dwelling</u>	No spaces required.	167	Complies
<u>17.116.060 - Off-street parking—Residential Activities, B. Maximum Parking for Residential Activities - Maximum Number of Parking Spaces</u>	One and one-quarter (1¼) parking spaces per dwelling unit	476	Complies

DESIGN REVIEW AND RELATED ISSUES

Staff has worked with the applicant to refine the proposed design for the building site. The applicant team has worked to improve the overall design of the project. Staff reviewed the proposed project in accordance with the Design Review Regulations for CBD Zones, Regular Design Review, Special Regulations for Historic Properties in the Central Business District, and Historic Preservation Element findings. In general, staff acknowledges that the project has improved since receiving feedback from the Design Review Committee and the LPAB.

The Design Review Committee (DRC) reviewed the proposed development project on September 28, 2022 and provided comments and/or design recommendations to the applicant and staff prior to the proposal moving forward to Planning Commission. The comments at the DRC focused on recommendations which are bulleted, and staff's description of the how the applicant has responded follows each DRC recommendation in italicized text:

- DRC members asked the applicant if the brick veneer articulation is proportionate enough to show the desired design effect, and requested that more window details be provided on the first four stories.
 - *The plans were revised to better emphasize the brick veneer articulation of the building facades.*
- Glazing should be clear and/or utilize a light color to show activity within the building, and clarify the glass type to be used.
 - *The plans provide a detail showing the use of high transparency glass on the tower facades.*
- Clarify the fire exit procedure and whether there may be damage to adjacent buildings.
 - *The applicant has added notations on the floor plans of approved egress easements approved AMRs (Alternate Method Requests) by the City's Bureau of Building.*
- The punched windows were considered as an important item, and window dimensions (including recess measurements) be provided on the plans.
 - *Additional details of the recessed windows and materials have been provided on the plans.*

CALIFORNIA ENVIRONMENTAL QUALITY ACT

A detailed CEQA Analysis was prepared (<https://www.oaklandca.gov/resources/current-environmental-review-ceqa-eir-documents-2011-2022>) which concluded that the proposed project qualifies for CEQA streamlining under Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan or Zoning) and Public Resources Code Section 21094.5 and CEQA Guidelines Section 15183.3 (Streamlining for Infill Projects). Also, the proposed project qualifies to tier off Program EIRs and EIRs prepared for redevelopment projects per CEQA Guidelines Section 15168 (Program EIRs) and Section 15180 (Redevelopment Projects), and the proposed project qualifies for an exemption as specified in CEQA Guidelines Section 15332 (Infill Development Projects).

- The project meets the requirements for a community plan exemption, as it is permitted in the zoning district where the project site is located and is consistent with the land uses envisioned for the site. The prepared CEQA document concludes that the project would not result in significant impacts that (1) are peculiar to the project or project site; (2) were not identified as significant project-level, cumulative, or off-site effects in the Program EIRs; or (3) were previously identified as significant effects but are determined to have a more severe adverse impact than discussed in identified Program EIRs. Pursuant to CEQA Guidelines Section 15183, the project qualifies for a community plan exemption.
- The project meets the requirements for streamlining for infill projects since the project (1) is located in an urban area on a site that has been previously developed and is surrounded by existing urban uses, (2) satisfies performance standards identified in Appendix M of the CEQA Guidelines, and (3) is consistent with the general use designation, density, building intensity, and applicable policies specified for the project area. No additional environmental review is required since this infill project would not cause any new specific effects or more significant effects.
- The project would not result in substantial changes or involve new information that would warrant preparation of a subsequent EIR, per CEQA Guidelines Section 15168 and Section 15180 (Redevelopment Projects), because the level of development now proposed for the site is within the broader development assumptions analyzed in the Program EIRs; and
- The project is consistent with the list of classes of projects that have been determined to not have a significant effect on the environment and as a result, are exempt for review under CEQA as described in CEQA Guidelines Section 15332 (Class 32, projects characterized as in-fill development when meeting certain conditions).

RECOMMENDATIONS:

1. Affirm staff’s environmental determination.
2. Approve the Major Conditional Use Permits subject to the *Findings* and *Conditions* attached to this report;
3. Approve Regular Design Review for a new residential facility.

Prepared by:



Michele T. Morris, Planner III

Reviewed by:

Catherine Payne

Catherine Payne
Development Planning Manager

Approved for forwarding to the
City of Oakland Planning Commission:

Edward Manasse

Edward Manasse, Deputy Director
Bureau of Planning

ATTACHMENTS:

- A. Proposed Plans, dated December 15, 2022
- B. CEQA Analysis provided online at <https://www.oaklandca.gov/resources/current-environmental-review-ceqa-eir-documents-2011-2022>; and
- C. Conditions of Approval; Mitigation Measures and Standard Conditions of Approval and Reporting Program

REQUIRED FINDINGS:
1431 FRANKLIN STREET RESIDENTIAL TOWER

Required findings include:

- California Environmental Quality Act
- Conditional Use Permit Criteria: Planning Code Section 17.134.050 (B) and Section 17.116.240 (D) Tandem Spaces and Berths
- Regular Design Review: Planning Code Section 17.136.050 (A)
- Special regulations for historic properties in the Central Business District and the Lake Merritt Station Area District Zones: Planning Code Section 17.136.055(B)

California Environmental Quality Act

A detailed CEQA Analysis was prepared which concluded that the proposed project qualifies for CEQA streamlining under Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan or Zoning) and Public Resources Code Section 21094.5 and CEQA Guidelines Section 15183.3 (Streamlining for Infill Projects). Also, the proposed project qualifies to tier off Program EIRs and EIRs prepared for redevelopment projects per CEQA Guidelines Section 15168 (Program EIRs) and Section 15180 (Redevelopment Projects), and the proposed project qualifies for an exemption as specified in CEQA Guidelines Section 15332 (Infill Development Projects).

- The project meets the requirements for a community plan exemption, as it is permitted in the zoning district where the project site is located and is consistent with the land uses envisioned for the site. The prepared CEQA document concludes that the project would not result in significant impacts that (1) are peculiar to the project or project site; (2) were not identified as significant project-level, cumulative, or off-site effects in the Program EIRs; or (3) were previously identified as significant effects but are determined to have a more severe adverse impact than discussed in identified Program EIRs. Pursuant to CEQA Guidelines Section 15183, the project qualifies for a community plan exemption.
- The project meets the requirements for streamlining for infill projects since the project (1) is located in an urban area on a site that has been previously developed and is surrounded by existing urban uses, (2) satisfies performance standards identified in Appendix M of the CEQA Guidelines, and (3) is consistent with the general use designation, density, building intensity, and applicable policies specified for the project area. No additional environmental review is required since this infill project would not cause any new specific effects or more significant effects.
- The project would not result in substantial changes or involve new information that would warrant preparation of a subsequent EIR, per CEQA Guidelines Section 15168 and Section 15180 (Redevelopment Projects), because the level of development now proposed for the site is within the broader development assumptions analyzed in the Program EIRs; and
- The project is consistent with the list of classes of projects that have been determined to not have a significant effect on the environment and as a result, are exempt for review under CEQA as described in CEQA Guidelines Section 15332 (Class 32, projects characterized as in-fill development when meeting certain conditions).

SECTION 17.134.050 – GENERAL USE PERMIT CRITERIA:

This proposal meets all the required findings under the General Use Permit Criteria (OMC Sec. 17.134.050), Justification for Granting Non-Residential Design Review (OMC Sec. 17.136.050 (B)), and Minor Variance criteria (Sec. 17.148.050) of the Oakland Planning Code (Title 17) as set forth below. Required findings are shown in **bold** type; explanations as to why these findings can be made are in normal type.

A. That the location, size, design, and operating characteristics of the proposed development will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to the availability of civic facilities and utilities; to harmful effect, if any, upon desirable neighborhood character; to the generation of traffic and the capacity of surrounding streets; and to any other relevant impact of the development.

The proposed residential tower building is compatible with the surrounding neighborhood, which contains a mix of high-density office, retail, residential, and civic uses. The subject property is an infill location containing a surface parking lot. The proposed tower will have the massing and scale that is well within the context of surrounding buildings, such as the existing buildings at 1411 and 1441 Franklin Street, and 420 and 436 14th Street.

B. That the location, design, and site planning of the proposed development will provide a convenient and functional living, working, shopping, or civic environment, and will be as attractive as the nature of the use and its location and setting warrant.

The proposed residential tower is designed to be a high-quality and attractive architectural addition to the downtown area and providing more functional working environment. The building will add to the vibrancy of the neighborhood.

C. That the proposed development will enhance the successful operation of the surrounding area in its basic community functions, or will provide an essential service to the community or region.

The proposed residential building will enhance the surrounding commercial area by providing commercial tenants and the opportunity for a more populous downtown for Oakland

D. That the proposal conforms to all applicable design review criteria set forth in the design review procedure at Section 17.136.070.

The development meets all elements of Section 17.136.050 by delivering an architectural design that melds with the historic downtown area and enhances the vibrancy of the surrounding neighborhood. Design Review findings are separately provided in more detail.

E. That the proposal conforms in all significant respects with the Oakland Comprehensive Plan and with any other applicable plan or development control map which has been adopted by the City Council.

The proposed project site is classified Central Business District per the General Plan’s Land Use and Transportation Element (LUTE). This designation is “intended to encourage, support, and enhance the downtown area as a high-density mix use urban center of regional importance and a primary hub” which is consistent with the intent and desired character and uses of the General Plan as well as the following Objectives and Policies as listed in the staff report above.

ADDITIONAL CONDITIONAL USE PERMIT CRITERIA: SECTION 17. 116.240 (D) TANDEM SPACES AND BERTHS

D. In any zone, tandem parking may be permitted for Nonresidential Activities upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and upon determination that such proposal conforms to either or both of the following use permit criteria:

1. That a full-time parking attendant supervises the parking arrangements at all times when the activities served are in active operation;

The applicant will be providing a full-time parking attendant that will supervise the parking arrangements at all times when the activities served are in active operation.

2. There are a total of ten (10) or fewer parking spaces on a lot, or within a separate parking area or areas on a lot, which spaces are provided solely for employees.

There will be six (6) tandem parking spaces provided for the employees of the leasing office located on the ground floor and is a nonresidential use.

SECTION 17.136.050 (A) – JUSTIFICATION FOR GRANTING RESIDENTIAL DESIGN REVIEW

The proposed office tower design is subject to Planning Code Section 17.136.050 - Regular design review criteria. Accordingly, regular design review approval may be granted only if the proposal conforms to all of the following general design review criteria, as well as to any and all other applicable design review criteria. Required findings are shown in **bold** type; explanations as to why these findings can be made are in normal type.

- 1. That the proposed design will create a building or set of buildings that are well related to the surrounding area in their setting, scale, bulk, height, materials, and textures;**

The proposed new 40-story, residential building project is comprised of one tower that is designed to comply with the applicable design regulations for the site. The exterior of the 421,056 square foot residential tower will use beige brick veneer pre-cast panels, vertically-placed bronze fins, metal framed windows surrounded by brick pilaster and recessed windows that feature high transparency glass. The tower has a pyramid-like, recessed shape that minimizes the visual impact of bulk and mass, and will be a stand-out feature of the architecture in the surrounding neighborhood. The project will complement the surrounding area in scale, bulk, materials and colors.

- 2. That the proposed design will protect, preserve, or enhance desirable neighborhood characteristics;**

The proposed design will filling this basically empty lot, an existing surface parking lot, by providing residential tenants and neighborhood stability. The architectural forms of this residential tower building will add visual interest to the neighborhood and enhance the urban residential context of the Downtown area. The mix of affordability and dwelling unit sizes will add to desirable neighborhood characteristics.

- 3. That the proposed design will be sensitive to the topography and landscape.**

The new tower will be sensitive to the flat topography urban landscape.

- 4. That, if situated on a hill, the design and massing of the proposed building relates to the grade of the hill;**

The residential building is not on a hill and therefore this criterion is not applicable. The proposed design does not require extensive grading to modify the topography and minimal excavation is required for the new building. The site contains no significant vegetation and landscape.

- 5. That the proposed design conforms in all significant respects with the Oakland General Plan and with any applicable design review guidelines or criteria, district**

plan, or development control map which have been adopted by the Planning Commission or City Council.

The proposal conforms to all significant aspects of the Central Business District General Plan Land Use classification as noted above.

17.136.055 B – SPECIAL REGULATIONS FOR HISTORIC PROPERTIES IN THE CENTRAL BUSINESS DISTRICT AND THE LAKE MERRITT STATION AREA DISTRICT ZONES

a. Any proposed new construction is compatible with the existing API in terms of massing, siting, rhythm, composition, patterns of openings, quality of material, and intensity of detailing;

The design provides the specificity of quality of materials and intensity of detailing. The plans will provide the dimensions of the recessed windows and the metal fin on the building façade, and details on window operation, window framing and trim.

b. New street frontage has forms that reflect the widths and rhythm of the facades on the street, and entrances that reflect the patterns on the street.

The new street frontage provides a well-connected interface with the streetscape. The lobby entrance is complementary to the patterns of the street.

c. The proposal provides high visual interest that either reflects the level and quality of visual interest of the API contributors or otherwise enhances the visual interest of the API.

The proposed building will enhance the visual interest of the API, and will be compatible with the architectural style and visual impact of the API contributors in the historic district.

d. The proposal is consistent with the visual cohesiveness of the API. For the purpose of this finding, visual cohesiveness is the architectural character, the sum of all visual aspects, features, and materials that defines the API. A new structure contributes to the visual cohesiveness of a district if it relates to the design characteristics of a historic district while also conveying its own time. New construction may do so by drawing upon some basic building features, such as the way in which a building is located on its site, the manner in which it relates to the street, its basic mass, form, direction or orientation (horizontal vs. vertical), recesses and projections, quality of materials, patterns of openings and level of detailing. When some combination of these design variables are arranged in a new building to relate to those seen traditionally in the area, but integral to the design and character of the proposed new construction, visual cohesiveness results;

The new residential building will feature a streamlined, modern, highly-glazed façade that will provide a visual cohesiveness to the tower design by using high quality materials, commensurate level of detailing, and patterns of openings that reflect well on the existing buildings in the API. The pleated glass of the recessed windows, bronze paneling of the exterior walls, metal fin detailing contributes to the API, and will create a new tower with a distinctive style.

g. For construction of new principal buildings:

- i. The project will not cause the API to lose its status as an API;**
- ii. The proposal will result in a building or addition with exterior visual quality, craftsmanship, detailing, and high quality and durable materials that is at least equal to that of the API contributors.**

The new residential tower's design will not cause the API to lose its status as an API and will add to the visual impact of a high quality and enduring architectural style at a similar status as the existing API contributors.